

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

U.S. DISTRICT COURT
EVANSVILLE DIVISION

2010 JUN 11 PM 12:37

TERRY McKANNAN

Plaintiff

vs.

NATIONAL COUNCIL OF YOUNG MEN'S
CHRISTIAN ASSOCIATIONS OF THE
UNITED STATES OF AMERICA d/b/a
YMCA OF THE USA, WABASH VALLEY
YMCA, INC., and WABASH VALLEY YOUTH
IN ACTION, INC.

Defendants

CAUSE NO.:

3 : 10 -cv- 88 RLY-WGH

JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. sec. 1332. There is complete diversity between Plaintiff (who is a resident of Indiana) and the Defendants, National Council of Young Men's Christian Associations of the United States of America d/b/a YMCA of the USA, Wabash Valley YMCA, Inc., and Wabash Valley Youth in Action, Inc.(all three (3) of which are Illinois corporations). The amount in controversy exceeds \$75,000.00, exclusive of interest and costs. Venue is proper in that the actions at issue in this case took place in significant part in this judicial district.

THE PARTIES

1. The National Council of Young Men's Christian Associations of the United States of America d/b/a YMCA of the USA (hereinafter YMCA USA) is a not-for-profit corporation organized and incorporated under the laws of the State of Illinois and doing business throughout

the 50 states including the State of Indiana, and engaged in the business of, among other things, providing gymnasium and workout facilities for use by the general public. YMCA USA is the parent organization for approximately 2,686 YMCA facilities throughout the United States including the defendants, Wabash Valley YMCA, Inc. and Wabash Valley Youth in Action, Inc. YMCA USA has a total membership of 20,916,698 members and has a total revenue of \$5.96 billion annually.

2. Wabash Valley YMCA, Inc. and Wabash Valley Youth in Action, Inc. are local affiliates of YMCA USA and, at all times herein mentioned, along with YMCA USA, owned, operated, and controlled a "YMCA" facility located at 400 N. Market Street, Mt. Carmel, Illinois. Said defendants advertized, solicited and encouraged citizens and residents of the State of Indiana including the plaintiff, Terry McKannan, to join as members of the National Council of Young Men's Christian Associations of the United States of America d/b/a YMCA of the USA, Wabash Valley YMCA, Inc., and Wabash Valley Youth in Action, Inc. at their location 400 N. Market Street, Mt. Carmel, Illinois.

3. Plaintiff, Terry McKannan is and was, at all times mentioned herein, a resident of Francisco, Gibson County, Indiana and a member of the National Council of Young Men's Christian Associations of the United States of America d/b/a YMCA of the USA, Wabash Valley YMCA, Inc., and Wabash Valley Youth in Action, Inc.

COUNT I

COMPLAINT FOR NEGLIGENCE

4. On July 15, 2008, while a business invitee at the Defendants, the National Council of Young Men's Christian Associations of the United States of America d/b/a YMCA of the USA,

Wabash Valley YMCA, Inc., and Wabash Valley Youth in Action, Inc. said facility located at 400 N. Market Street, Mt. Carmel, Illinois, the Plaintiff, Terry McKannan, was sitting on a bench in the shower room when due to the carelessness and negligence on the part of the Defendants, the National Council of Young Men's Christian Associations of the United States of America d/b/a YMCA of the USA, Wabash Valley YMCA, Inc., and Wabash Valley Youth in Action, Inc., said bench broke causing Plaintiff, Terry McKannan to fall to the shower floor, proximately causing injuries and damages as more fully set forth below.

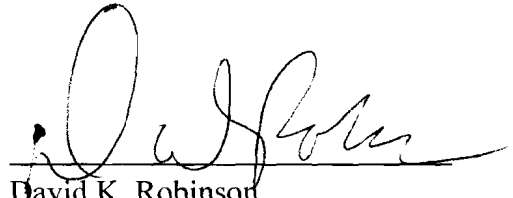
5. The cause of the fall sustained by Plaintiff, Terry McKannan, set forth in rhetorical paragraph number four (4) above, was negligence on the part of the Defendants, the National Council of Young Men's Christian Associations of the United States of America d/b/a YMCA of the USA, Wabash Valley YMCA, Inc., and Wabash Valley Youth in Action, Inc. in the following particulars:

- a. Failure to inspect business premises to discover unreasonably dangerous and unsafe conditions of the shower bench
- b. Failure to maintain the shower bench in a reasonably safe condition.
- c. Failure to warn Plaintiff, Terry McKannan, of unreasonably unsafe and dangerously defective condition of the shower bench.
- d. Failure to provide Plaintiff, Terry McKannan, a safe business premises including a safe and non-defective shower bench.

6. That as the direct and proximate result of the negligence of the Defendants, National Council of Young Men's Christian Associations of the United States of America d/b/a YMCA of the USA, Wabash Valley YMCA, Inc., and Wabash Valley Youth in Action, Inc., the Plaintiff,

Terry McKannan, has sustained painful and permanent personal injuries, she has and in the future will require medical treatment and will incur medical bills for that treatment.

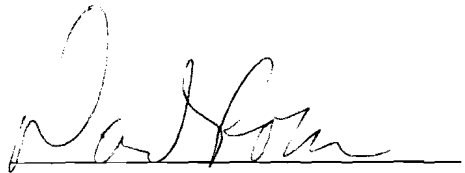
WHEREFORE, the Plaintiff, Terry McKannan, prays for judgment of and from the Defendants, National Council of Young Men's Christian Associations of the United States of America d/b/a YMCA of the USA, Wabash Valley YMCA, Inc., and Wabash Valley Youth in Action, Inc., in an amount that will fully and adequately compensate her for her injuries and damages herein, her costs in this action and all other just and proper relief.



David K. Robinson
Attorney No. 6263-82
311 N. Wabash Avenue
Evansville, IN 47712
(812) 428-6655

JURY DEMAND

Comes now the Plaintiff, by counsel, and respectfully requests trial by jury in the above captioned matter.



David K. Robinson
